

BOARD OF APPEALS CASE NO. 4848	*	BEFORE THE
APPLICANT: Tessa Worsham	*	ZONING HEARING EXAMINER
REQUEST: Variance to construct a pole building 960 square feet; 2541 Sinsko Lane, Joppa	*	OF HARFORD COUNTY
	*	
	*	Hearing Advertised
	*	Aegis: 9/23/98 & 9/30/98
HEARING DATE: November 25, 1998	*	Record: 9/25/98 & 10/2/98
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ZONING HEARING EXAMINER'S DECISION

The Applicant, Tessa Worsham, appeared before the Hearing Examiner requesting a variance to Section 267-26(C)(1) of the Harford County Code, to construct a building in excess of 50% of the square footage of the principal structure.

The subject parcel is located at 2537 Sinsko Lane in the First Election District. The parcel is identified as Parcel No. 339, in Grid 4-E, on Tax Map 60. The parcel contains 1.99 acres, all of which is zoned Agricultural.

Ms. Tessa Worsham appeared and testified that she owns and resides on property known as 2541 Sinsko Lane. The witness said she also owns property located at 2537 Sinsko Lane. She said that property is improved by a single-family dwelling occupied by tenants, an above-ground swimming pool and a shed. The witness said that parcel contains 1.99 acres and that she is requesting a variance to construct an accessory building on the parcel with dimensions of 24 feet by 40 feet. Ms. Worsham said the purpose of the building is to store antique cars which she currently owns. The witness said she considered constructing the accessory building on the parcel on which she resides, but said that the topography and existing vegetation would make construction of the building on that parcel difficult. Ms. Worsham said that the dwelling on the subject parcel is 960 square feet and the proposed accessory building is also 960 square feet. Therefore, she is requesting a variance of 480 square feet to construct the proposed building.

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Ms. Worsham said that the subject parcel is unique because it is bound on two sides by Sinsko Lane and also due to the unusual shape of the parcel. The witness said she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the building will be used for storage purposes only and no maintenance will be performed on the vehicles while on the subject parcel.

Ms. Tammy Fanning appeared and testified that her property adjoins the subject parcel and she requested that conditions be opposed if the variance is approved. Ms. Fanning requested that the Applicant be prohibited from outside storage, that no business vehicles be kept on the premises, and that the building be setback at least 70 feet from the property line. The Applicant agreed to the conditions.

The Staff Report of the Department of Planning and Zoning did not make a recommendation, but suggested conditions if the variance is approved.

CONCLUSION:

The Applicant is requesting a variance to Section 267-26(C)(1) which provides:

Use Limitations. In addition to the other requirements of this Part 1, an accessory use shall not be permitted unless it strictly complies with the following:

- (1) In the AG, RR, R1, R2, R3, R4 and VR Districts, the accessory use or structure shall neither exceed fifty percent (50%) of the square footage of habitable space nor exceed the height of the principal use or structure. This does not apply to agricultural structures, nor does it affect the provisions of Section 267-24, Exceptions and modifications to minimum height requirements. No accessory structure shall be used for living quarters, the storage of contractors' equipment nor the conducting of any business unless otherwise provided in this Part 1.

The evidence indicates that the existing dwelling on the subject parcel is 960 square feet and the proposed accessory structure will also be 960 square feet. Therefore, the Applicant is requesting a variance to construct a building 480 square feet larger than is allowed by the Code.

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The Applicant testified that the subject parcel is unique because it is a corner lot and is considerably deeper than it is wide. The Applicant also said she did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because she did not intend to do maintenance on the vehicles in the proposed accessory structure. The Applicant also agreed that there will be no outside storage around the accessory structure, that no business vehicles will be stored in the accessory building, and that the building would be set back at least 70 feet from the common property line with the Fanning family.

It is the finding of the Hearing Examiner that the subject property is unique for the reasons stated by the Applicant in her testimony and, further, that the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to construct an accessory building with dimensions of 24 feet by 48 feet be approved. The variance shall be subject to the following conditions:

1. The Applicant obtain all necessary permits and inspections for construction of the building.
2. No outside storage shall be permitted within 50 feet of the accessory building.
3. No business vehicles shall be stored in the accessory building and the building shall not be used in the furtherance of a business..
4. The building shall be setback at least 70 feet from the Fanning property line.

Date **DECEMBER 16, 1998**

L. A. Hinderhofer
Zoning Hearing Examiner